

EXHIBIT 1

From: Brendan T. Kehoe [<mailto:brendan.kehoe@kirkland.com>]
Sent: Monday, February 14, 2011 5:56 PM
To: Sonali Maitra
Cc: Johanna Schmitt; #Xio Litigation
Subject: RE: Tetris v. Xio - Privilege Log

Sonali,

Ms. Golen's testimony shows that she did not have an expectation of confidentiality -- and thus no attorney-client privilege attached -- to any of the individuals listed in Johanna's email. Thus, we request that Xio produce all such communications. To the extent you disagree, please let us know the basis.

Best regards,
Brendan

Brendan T. Kehoe | Kirkland & Ellis LLP
601 Lexington Avenue | New York, New York 10022
(212) 446-4824 DIRECT | (212) 446-6460 FAX
brendan.kehoe@kirkland.com

Sonali Maitra <SMaitra@durietangri.com>

02/14/2011 07:59 PM

To "Brendan T. Kehoe" <brendan.kehoe@kirkland.com>

cc #Xio Litigation <Service-Xio-Litigation@kirkland.com>, Johanna Schmitt
<johanna.schmitt@kirkland.com>

Subject RE: Tetris v. Xio - Privilege Log

Brendan,

As you know, Johanna and I agreed that I would produce communications logged on the privilege log with attorneys with whom Desiree testified to not having an expectation of confidentiality. Please identify which individuals on the below list fit that bill -- we did not order the rough for costs reasons -- and I will do my best to produce those documents by the deadline you set below. My understanding is that Desiree did not testify as such that for every individual listed below.

Yours,

Sonali
Durie Tangri LLP

From: Brendan T. Kehoe [<mailto:brendan.kehoe@kirkland.com>]
Sent: Monday, February 14, 2011 4:51 PM
To: Sonali Maitra
Cc: #Xio Litigation; Johanna Schmitt
Subject: Re: Tetris v. Xio - Privilege Log

Sonali,

As these materials may be relevant to Mr. Carter's continued deposition on Thursday, February 17, we ask that you produce them by no later than Noon Eastern time on Wednesday of this week.

Best regards,
Brendan

Brendan T. Kehoe | Kirkland & Ellis LLP
601 Lexington Avenue | New York, New York 10022
(212) 446-4824 DIRECT | (212) 446-6460 FAX
brendan.kehoe@kirkland.com
Johanna Schmitt/New York/Kirkland-Ellis

02/11/2011 01:16 PM

To Smaitra@durietangri.com
cc #Xio Litigation@K&E
Subject Tetris v. Xio - Privilege Log

Sonali,

Following up on our conversation yesterday afternoon about Xio's privilege log, I am writing to confirm our agreement that you will produce communications with the following individuals:

-
- Julie Turner
- Sean DeBruine
- Pamela Samuelson
- Joshua C. Cook
- Colin D. Chapman
- Mr. Reback
- Anthony Cormier
-

- Johanna

Johanna Schmitt / [KIRKLAND & ELLIS LLP](mailto:johanna.schmitt@kirkland.com)
601 Lexington Avenue / New York, New York 10022
Tel: 212.446.4841 | Fax: 212.446.6460 | johanna.schmitt@kirkland.com

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this

communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

_____ Information from ESET NOD32 Antivirus, version of virus signature database 6081
(20110429) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>